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N. J., I. F. 1636-1655

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United States Department of Agriculture

FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE INSECTICIDE ACT

[Given pursuant to section 4 of the Insecticide Act]

1636-1655

[Approved by the Acting Secretary of Agriculture, Washington, D. C., February 11, 1939]

1636. Misbranding of Nourse Gall Remedy. U. S. v. 117 Cans of Nourse Gall Remedy. Default decree of condemnation and destruction. (I. & F. No. 1803. Sample No. 11099-B.)

The labeling of this veterinary product bore false and misleading representations regarding its effectiveness as a treatment for mange.

On April 30, 1935, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 117 cans of Nourse Gall Remedy at Seattle, Wash.; alleging that the article had been shipped in interstate commerce on or about November 23, 1934, from Kansas City, Mo., by Nourse Oil Co.; and charging misbranding in violation of the Insecticide Act of 1910.

The article was alleged to be misbranded in that the statement appearing on a leaflet shipped with it, "Mange * * * Mange on Live Stock, Dogs and Household Pets are greatly benefited by its use," was false and misleading and tended to deceive and mislead the purchaser since the product was not an effective treatment for all varieties of mange which infest livestock, dogs, and household pets.

The article also was alleged to be misbranded in violation of the Food and Drugs Act as reported in notice of judgment No. 29019 published under that act.

On April 4, 1938, no answer to the libel having been filed, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

1637. Misbranding of Alba Brand Disinfectant. U. S. v. Standard Drug Co., Inc. Plea of guilty. Fine, \$25. (I. & F. No. 2024. Sample No. 41960-C.)

The labeling of this product bore false and misleading representations regarding its effectiveness as a disinfectant and as a control for lice on poultry, and failed to declare the inert ingredient present.

On January 11, 1938, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Standard Drug Co., Inc., trading at Washington, D. C., alleging sale by said defendant in the District of Columbia on or about July 29, 1937, of a quantity of Alba Brand Disinfectant which was a misbranded insecticide and fungicide within the meaning of the Insecticide Act of 1910.

The article was alleged to be misbranded in that it consisted partially of an inert substance or ingredient, water, and the name and percentage amount of the inert substance or ingredient were not stated plainly and correctly on the label borne on the drums containing it; nor in lieu thereof were the name and percentage amount of each substance or ingredient of the article having insecticidal or fungicidal properties, and the total percentage of the inert substance or ingredient so present therein stated plainly and correctly on the label.

The article was alleged to be misbranded further in that the statements, "guaranteed 5 to 6 times stronger bacteriologically than carbolic acid," "disinfectant * * * directions for floors, for water closets, urinals, slop bowls, sinks, rubbish heaps, garbage, use three tablespoonfuls to gallon of water. Sick room—use 1 tablespoonful to a gallon of water," and "poultry, helps rid bird from lice * * * use two tablespoonfuls to gallon of water," borne on the bottle label, were false and misleading and by reason of the said statements, the article was labeled so as to deceive and mislead the purchaser in that they represented that it was five to six times stronger bacteriologically than carbolic acid; that it would act as an effective disinfectant for floors, water closets, urinals, slop bowls, sinks, rubbish heaps, garbage, and sick rooms when used in the dilutions specified upon the label, and that it would be effective against lice when used as directed; whereas it was not five to six times stronger bacteriologically than carbolic acid; it would not act as an effective disinfectant for floors, water closets, urinals, slop bowls, sinks, garbage, and sickroom when used in the dilutions specified upon the label, and would not be effective against lice when used as directed unless the birds were sprayed repeatedly.

On January 11, 1938, a plea of guilty was entered on behalf of the defendant company and the court imposed a fine of \$25.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

1638. Misbranding of Insex Repellent. U. S. v. The De Pree Co., a corporation. Plea of guilty. Fine, \$200. (I. & F. No. 2047. Sample Nos. 41770-C, 41875-C.)

The labeling of this product bore false and misleading representations regarding its insecticidal properties, and it also failed to bear a statement of the percentage of inert ingredients contained in the article.

On June 20, 1938, the United States attorney for the Western District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the De Pree Co., a corporation, Holland, Mich., alleging shipment by said company on or about June 2 and December 10, 1937, from the State of Michigan into the State of Illinois of quantities of Insex Repellent, which was a misbranded insecticide within the meaning of the Insecticide Act of 1910.

The article was alleged to be misbranded in that the statements, (tube) "Insex repellent * * * Effective * * * Directions Rub Insex gently into the skin wherever exposed to the menace of insect bites . . . on the Ankles, Legs, Arms, Neck, Face, Hands, Forehead," (carton) "Insex repellent * * * effective * * * keeps mosquitoes and other insects away * * * For the Beach Camp Fishing Trip Golf Game Picnic or any outdoor occasion where insects may be a source of annoyance and discomfort Directions Rub Insex gently into the skin wherever exposed to the menace of insect bites . . . on the Ankles, Legs, Arms, Neck, Face, Hands, Forehead," borne on the labeling, were false and misleading and by reason of the said statements, it was labeled and branded so as to deceive and mislead the purchaser in that said statements represented that the article when used as directed, would be effective in keeping mosquitoes and other insects away from the ankles, legs, arms, neck, face, hands, and forehead wherever the skin was exposed to the menace of insect bites; whereas when used as directed, it would not be effective for said purposes. The article was alleged to be misbranded further in that it consisted partially of inert substances (substances other than essential oils), which do not prevent, destroy, repel, or mitigate insects, and the name and percentage amount of each and every inert substance or ingredient so present therein were not stated plainly and correctly on the tube and carton label; nor in lieu thereof were the name and percentage amount of each substance or ingredient (other than essential oils of the article having insecticidal properties, and the total percentage of the inert substances or ingredients so present therein stated plainly and correctly on the carton and tube label.

On June 30, 1938, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$200.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

1639. Misbranding of Cleanrite. U. S. v. Superior Chemical Co., a corporation. Plea of guilty. Fine, \$50. (I. & F. No. 2049. Sample No. 2616-D.)

This product contained an inert ingredient the name and percentage of which was not declared on the label, which also bore false and misleading representations regarding its disinfectant properties.

On June 4, 1938, the United States attorney for the Southern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Superior Chemical Co., a corporation, Houston, Tex., alleging shipment by said company on or about August 16, 1937, from the State of Texas into the State of Oklahoma of a quantity of Cleanrite, which was a misbranded fungicide within the meaning of the Insecticide Act of 1910.

The article was alleged to be misbranded in that the statements, "A Magic Cleaner Cleans—Deodorizes—Disinfects * * * Directions: For cleaning Tile, Terrazzo Marble, Linoleum and similar floors—Use one cup to three gallons of water. For Washing Toilets, Toilet Floors, Bath Tubs, Urinals, Cuspidors—Use one cup to two gallons of water. For Washing Painted Surfaces, Wooden Floors, Rubber Floors—Use one cup to three gallons water. Cleanrite has various other uses—such as washing Automobiles, Buses, Train Coaches, Street Cars, Windows, Cork Floors," borne on the drum label, were false and misleading and by reason of such statements, it was labeled and branded so as to deceive the purchaser in that they represented that when used as directed, it would act as an effective disinfectant for cleaning tile, terrazzo marble, linoleum, and similar floors; for washing toilets, toilet floors, bathtubs, urinals, cuspidors, painted surfaces, wooden floors, rubber floors, and for other uses such as washing automobiles, busses, train coaches, streetcars, windows, and cork floors; whereas the said article when used as directed would not be effective for the said purposes. It was alleged to be misbranded further in that it consisted partially of an inert substance or ingredient, water, which does not prevent, destroy, repel, or mitigate fungi (bacteria), and the name and percentage amount of said inert substance or ingredient was not stated plainly and correctly on the label affixed to the drum containing the article; nor in lieu thereof were the name and the percentage amount of each and every substance or ingredient of the said article having fungicidal (bactericidal) properties, and the total percentage of the inert substance or ingredient so present therein, stated plainly and correctly on the label.

On July 12, 1938, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$50.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

1640. Adulteration and misbranding of Speed Disinfectant. U. S. v. Speed Chemical Co., Inc. Plea of guilty. Fine, \$50. (I. & F. No. 2050. Sample No. 7944-D.)

The labeling of this product failed to bear a correct statement of the name and the percentage amount of the inert ingredient present, and did bear false and misleading representations regarding its germicidal and insecticidal properties.

On August 19, 1938, the United States attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Speed Chemical Co., Inc., Brooklyn, N. Y., alleging shipment by said company on or about September 8, 1937, from the State of New York into the State of New Jersey of quantities of Speed Disinfectant, which was an adulterated and misbranded insecticide other than paris green and lead arsenate, and a fungicide within the meaning of the Insecticide Act of 1910.

The article was alleged to be adulterated in that it fell below the professed standard and quality under which it was sold, since it was labeled, "Inert Material 10%"; whereas it contained inert ingredients in a proportion greater than 10 percent.

It was alleged to be misbranded in that the statements, "Inert Material 10%" and "Sick Room: Prevents Spread of Contagious Diseases. Kills Germs and Bad Odors * * * Mosquitoes, Flies, Fleas, Lice, Ants, Cockroaches, etc. quickly disappear where disinfectant is used," were false and misleading and by reason thereof the article was labeled so as to deceive and mislead the purchaser in that they represented that it contained inert materials in a proportion of not more than 10 percent, would prevent the spread of contagious diseases, would kill all germs and bad odors, and when used as directed would be effective against mosquitoes, flies, fleas, lice, ants, cockroaches, etc.; whereas it contained inert materials in a proportion greater than 10 percent; would not prevent the spread of contagious diseases, would not kill all germs and bad odors, and would not be effective against mosquitoes, flies, fleas, lice, ants, cockroaches, etc.

It was alleged to be misbranded further in that it consisted partially of an inert substance or ingredient, namely, water, which substance would not prevent,

destroy, repel, or mitigate insects or fungi; and the name and the percentage amount of the said inert substance were not stated plainly and correctly on the bottle label; nor in lieu thereof were the name and percentage amount of each substance or ingredient of the article having insecticidal or fungicidal properties and the total percentage of the inert substance or ingredient present therein stated plainly and correctly on the label.

On September 15, 1938, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$50.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

1641. Misbranding of larkspur lotion. U. S. v. Jacob M. Ross (Jardel Laboratories Co.). Plea of guilty. Fine, \$50. (I. & F. No. 2046. Sample No. 58771-C.)

This product contained inert ingredients and its label failed to bear a statement declaring the presence of such ingredients, and it contained a smaller percentage of alcohol than declared on the label.

On May 4, 1938, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Jacob M. Ross, trading as the Jardel Laboratories Co., at Philadelphia, Pa., alleging shipment by said defendant on or about July 15, 1937, from the State of Pennsylvania into the State of New Jersey of a quantity of larkspur lotion, which was a misbranded insecticide within the meaning of the Insecticide Act of 1910.

The article was alleged to be misbranded in that the statement "Alcohol 40%," borne on the bottle label, was false and misleading and by reason of said statement, it was labeled and branded so as to deceive and mislead the purchaser, since it did not contain alcohol in a proportion of 40 percent but did contain a lesser amount.

The article was alleged to be misbranded further in that it consisted partially of inert substances, water and alcohol, which do not prevent, destroy, repel, or mitigate insects, and the name and percentage amount of each and every inert ingredient were not stated plainly and correctly on the bottle label; nor in lieu thereof were the name and percentage amount of each substance or ingredient of the article having insecticidal properties, and the total percentage of the inert substances or ingredients so present therein stated plainly and correctly on the bottle label.

On October 19, 1938, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$50.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

1642. Misbranding of Kills All Insect Spray. U. S. v. Hyman Folman and Morris Welfeld, trading as Excello Specialty Co. Pleas of guilty. Fine of \$25 against each defendant. (I. & F. No. 2031. Sample Nos. 38101-C, 54579-C.)

The labeling of this product bore false and misleading representations regarding its insecticidal properties.

On August 19, 1938, the United States attorney, for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Hyman Folman and Morris Welfeld, trading as Excello Specialty Co., at Brooklyn, N. Y., alleging shipment by said defendants on or about March 15 and May 21, 1937, from the State of New York into the States of New Jersey and Massachusetts of quantities of Kills All Insect Spray which was a misbranded insecticide within the meaning of the Insecticide Act of 1910.

The article was alleged to be misbranded in that the statements, "Kills All Insect Spray Kills Flies" and "New Improved 100% Active Kills All Insect Spray," borne on the can labels, were false and misleading and by reason of the said statements, it was labeled and branded so as to deceive and mislead the purchaser in that they represented that it was a fly spray of effective killing strength and that it was a superior insecticide which was 100 percent effective when used as directed against flies, mosquitoes, moths, bedbugs, roaches, and ants; whereas it was not a fly spray of effective killing strength and it was not a superior insecticide which was 100 percent effective, when used as directed, against flies, mosquitoes, moths, bedbugs, roaches, and ants.

On August 31, 1938, pleas of guilty were entered on behalf of the defendants and the court imposed a fine of \$25 against each defendant.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

1643. Misbranding of Peerless Disinfectant. U. S. v. J. Wayne Perkins (Peerless Chemical Co.). Plea of guilty. Fine, \$100 and costs. (I. & F. No. 2062. Sample No. 19566-D.)

The labeling of this product bore false and misleading representations regarding its disinfectant properties, it failed to bear a statement declaring the presence of inert ingredients, and it represented the product to be nonpoisonous when it was poisonous.

On September 26, 1938, the United States attorney for the Southern District of Iowa, acting upon a report by the Secretary of Agriculture, filed in the district court an information against J. Wayne Perkins, trading as the Peerless Chemical Co., at Des Moines, Iowa, alleging shipment by said defendant on or about May 3, 1938, from the State of Iowa into the State of Illinois of a quantity of Peerless Disinfectant, which was a misbranded fungicide within the meaning of the Insecticide Act of 1910.

The article was alleged to be misbranded in that it consisted partially of inert substances, to wit, substances other than sodium hypochlorite, which do not prevent, destroy, repel, or mitigate fungi (bacteria) and the name and percentage amount of each and every substance or ingredient so contained in the article were not stated plainly and correctly on the label affixed to the jugs containing the article; nor in lieu thereof were the name and percentage amount of each substance or ingredient of the article having fungicidal (bactericidal) properties and the total percentage of the inert substances or ingredients so present therein stated plainly and correctly on the label.

The article was alleged to be misbranded further in that the statements, "Non-Poisonous" and "A * * * Deodorant Antiseptic Disinfectant Directions: To cleanse, purify, deodorize and disinfect bath tubs, bed pans, chambers, boxes, bins, cupboards, cellars, outdoor closets, cuspidors, slop jars, fruit jars, floors, woodwork, garbage cans, glassware, kennels, lunch baskets, hampers, milk bottles and cans, musty odors, refrigerators, stables, barns, toilets, wash-bowls, water-closets, water coolers and windows—Mop, scrub, wash or spray thoroughly with one ounce of Peerless Disinfectant To Each gallon of water," borne on the jug labels, were false and misleading, and by reason of said statements, the article was labeled and branded so as to deceive and mislead the purchaser since they represented that it was not poisonous and that when used as directed, it would disinfect bathtubs, bed pans, chambers, boxes, bins, cupboards, cellars, outdoor closets, cuspidors, slop jars, fruit jars, floors, woodwork, garbage cans, glassware, kennels, lunch baskets, hampers, milk bottles and cans, musty odors, refrigerators, stables, barns, toilets, washbowls, water closets, water coolers, and windows and would be an effective disinfectant for the purposes mentioned in the dilutions specified; whereas the article was poisonous and when used as directed, it would not disinfect the places and things above indicated and would not be an effective disinfectant for the purposes mentioned in the dilutions specified.

On October 31, 1938, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$100 and costs.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

1644. Adulteration and misbranding of Sulfostick, Sulpho, Arseno, Arsenostick, and Bordostick; misbranding of Nico and Nicostick. U. S. v. Garden Hose Insecticide Co. Plea of guilty. Fine, \$100. (I. & F. No. 2048. Sample Nos. 12884-C, 12885-C, 34125-C, 34126-C, 34127-C, 34128-C.)

The labeling of these products bore false and misleading representations regarding their alleged insecticidal and fungicidal properties. The Sulfostick, the Sulpho, the Arseno, the Arsenostick, and the Bordostick contained a substance or substances injurious to vegetation when used as directed. The labels of the Sulfostick and Arsenostick bore incorrect declarations of the active and inert ingredients, and those of the Nico, Sulpho, Arseno, and Bordostick failed to bear a statement of the active and inert ingredients. The Arseno and Arsenostick contained arsenic, and the label of each failed to bear a statement of the total amount of arsenic and of water-soluble arsenic expressed as metallic. The Bordostick consisted of substances other than bordeaux mixture, which it purported to be.

On June 18, 1938, the United States attorney for the Western District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Garden Hose Insecticide Co., a corporation at Kalamazoo, Mich., alleging shipment in interstate commerce by said corporation on or about March 19, 1937, from the State of Michigan into the

States of Oregon and Illinois of a number of Garden Hose Insect Sprayer sets and various lots of the above-named products, which were insecticides and fungicides within the meaning of the Insecticide Act of 1910, and which were misbranded, and with the exception of the Nico and Nicostick, also were adulterated.

The Sulfostick was alleged to be adulterated in that it was intended for use on vegetation and contained a substance or substances injurious to vegetation when used as directed by the label. It was alleged to be misbranded in that the statements "Active ingredients Sulphur, not less than 35 per cent. Inert ingredients 65 per cent" were false, misleading, and deceptive in that they represented that the article consisted of sulfur as the active ingredient; whereas it consisted of potassium polysulfide and potassium thiosulfate as the active ingredients. It was alleged to be misbranded further in that the carton containing a portion, the boxes containing the remainder, and a booklet shipped with the latter bore false, misleading, and deceptive representations regarding the effectiveness of the article as a control for mildews, rust, black spot diseases, scabs, leaf spots, and all other fungous diseases; and its effectiveness to control and repel all scales, ants and all other insects affected by sulfur, and all bugs.

The Nico was alleged to be misbranded in that a booklet shipped with it contained false, misleading, and deceptive representations regarding its effectiveness against thrips, mites, red spider, worms, caterpillars, orchard plant bugs, white fly, mealybugs, and leaf miners.

The Sulpho was alleged to be adulterated in that it was intended for use on vegetation and contained a substance or substances injurious to vegetation when used thereon as directed in the booklet shipped with the article. It was alleged to be misbranded in that said booklet bore false, misleading, and deceptive representations regarding its effectiveness as a control for all mildews, rusts, black spot diseases, scabs, leaf spots, all other fungous diseases, and its effectiveness against all scales, ants, and all other insects affected by sulfur.

The Arseno was alleged to be adulterated in that it was intended for use on vegetation and contained a substance or substances injurious to vegetation when used thereon as directed in an accompanying booklet. It was alleged to be misbranded in that it contained arsenic and the total amount of arsenic present (expressed as percentum of metallic arsenic) was not stated on the label and the amount of arsenic in water-soluble form (expressed as percentum of metallic arsenic) was not stated on the label. It was alleged to be misbranded further in that the said booklet contained false, misleading, and deceptive representations regarding the effectiveness of the article against all chewing insects.

The Arsenostick was alleged to be adulterated in that its strength and purity fell below the professed standard and quality under which it was sold since it was labeled "Active ingredients Arsenate of Lead, not less than 25 per cent. Inert ingredients 75 per cent," whereas it contained lead arsenate in a proportion less than 25 percent and inert ingredients in a proportion greater than 75 percent. It was alleged to be adulterated further in that it contained a substance or substances injurious to vegetation when used thereon as directed on the label. It was alleged to be misbranded in that the statements on the label, "Active ingredients Arsenate of lead, not less than 25 per cent. Inert ingredients 75 per cent," were false, misleading, and deceptive since it contained less than 25 percent of lead arsenate and more than 75 percent of inert ingredients. It was alleged to be misbranded further in that it contained arsenic and the amount of arsenic in water-soluble form (expressed as percentum of metallic arsenic) was not stated on the label. It was alleged to be misbranded further in that the carton bore false, misleading, and deceptive representations regarding its effectiveness as a control for moths of all species, and as a control for apple scab.

The Nicostick was alleged to be misbranded in that the cartons bore false, misleading, and deceptive representations regarding its effectiveness against thrips, red spiders, mites, white fly, mealybugs, and leaf miner.

The Bordostick was alleged to be adulterated in that a substance consisting of potassium polysulfide, potassium thiosulfate, copper sulfide, and copper sulfate, had been substituted in whole or in part for bordeaux mixture, which it purported to be. It was alleged to be adulterated further in that it was intended for use on vegetation and contained a substance or substances injuri-

ous to vegetation when used thereon as directed on the carton label. It was alleged to be misbranded in that the word "Bordostick," borne on the carton label was false, misleading, and deceptive in that it represented that the article consisted of bordeaux mixture; whereas it did not consist of bordeaux mixture but did consist in whole or in part of a mixture of potassium polysulfide, potassium thiosulfate, copper sulfide, and copper sulfate. It was alleged to be misbranded further in that the carton bore false, misleading, and deceptive representations regarding its effectiveness as a control for scales, red spiders, ants, "other insects affected by Bordo," and bugs, and its effectiveness when used as directed in the control of all black spot diseases and all other fungous diseases.

The Sulpho, Nico, Arseno, and a portion of the Sulfostick were alleged to be misbranded further in that the following statements, "Garden Hose Brand Insecticides Are suitable for use on most any kind of flowering plant, shrub or tree which might be infested with fungi or insects. They are the Four Old Reliable killing agents which have proven the best. * * * We supply these insecticides in cartridge form, chemically proportioned to dissolve in the water passing through the Garden Hose Sprayer, at a ratio consistent with formulas recommended by the leading Entomologists," appearing in the booklet shipped with each of the articles, were false, misleading, and deceptive in that they represented that each of the articles would be suitable for use and would be a reliable killing agent on most any kind of flowering plant, shrub, or tree which might be infested with fungi or insects, and would dissolve in water passing through the hose sprayer at a ratio consistent with formulas recommended by the leading entomologists.

The Sulpho, Nico, Arseno, and Bordostick were alleged to be misbranded further in that they consisted partially of inert substances, namely, substances which do not prevent, destroy, repel, or mitigate insects or fungi, and the name and percentage amount of each and every inert substance present in each of the articles were not stated plainly and correctly on the label; nor in lieu thereof were the name and percentage amount of each substance or ingredient of the articles having insecticidal properties and the total percentage of the inert substances present therein stated plainly and correctly on the label.

On July 5, 1938, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$100.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

1645. Adulteration and misbranding of Baum's Chlorinated Cleanser. U. S. v. 34 Cans of Baum's Chlorinated Cleanser. Default decree of condemnation and destruction. (I. & F. No. 2068. Sample No. 26346-D.)

The labeling of this product bore false and misleading representations regarding its so-called bactericidal, disinfectant, sterilizing, and deodorant properties. It contained less available chlorine than that declared on the label.

On or about August 24, 1938, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 34 cans of Baum's Chlorinated Cleanser at Waterbury, Conn.; alleging that the article had been shipped in interstate commerce on or about March 15, 1938, by Baum's Castorine Co., Inc., from Rome, N. Y.; and charging adulteration and misbranding in violation of the Insecticide Act of 1910.

The article was alleged to be adulterated in that the statement "Active Ingredients Available Chlorine 7%," borne on the can label, purported and represented that its standard and quality were such that it contained available chlorine in a proportion of not less than 7 percent as the active ingredient; whereas its strength and purity fell below the professed standard and quality under which it was sold, in that it contained available chlorine in a proportion of less than 7 percent as the active ingredient.

It was alleged to be misbranded in that the statement "Active Ingredients Available Chlorine 7%," borne on the can label, was false and misleading and by reason of the said statement it was labeled and branded so as to deceive and mislead the purchaser since it contained less than 7 percent of available chlorine. It was alleged to be misbranded further in that the statements "This Bactericidal Compound is approved by the Ohio Liquor Control Board for beer

glasses. Use 200 P. P. M. solution $\frac{1}{2}$ oz. ($1\frac{1}{3}$ heaping teaspoons) per gallon of water. Immerse glasses no less than 10 seconds and rinse with clean water," "To kill mold and wild yeast around plant, use 8 heaping teaspoons in 1 quart water," "Strength Chlorine To Use * * * 25 P. P. M. for soaking bathing suits, blankets, 50 P. P. M. for rinsing dishes, bottles, cutlery, glasses, 100 P. P. M. for rinsing pipes, cans, pails, vats, bake pans, meat and poultry hooks," "How Is It Mixed? Chart $\frac{1}{10}$ oz. ($\frac{1}{2}$ heaping teaspoons) in 1 gal. water makes 50 P. P. M. $\frac{2}{10}$ oz. ($\frac{2}{3}$ heaping teaspoons) in 1 gal. water makes 100 P. P. M. $\frac{4}{10}$ oz. ($1\frac{1}{3}$ heaping teaspoons) in 1 gal. water makes 200 P. P. M. 1 oz. (3 heaping teaspoons) in 1 gal. water makes 500 P. P. M. 4 oz. (12 heaping teaspoons) in 1 gal. water makes 2000 P. P. M. To obtain perfectly clear solution without precipitate, dissolve 4 lbs. of Chlorinated Cleaner in 3 gallons of water. Let stand 1 hour, then pour off clear solution. Use of this clear solution as follows: $\frac{1}{8}$ pint ($\frac{1}{4}$ teacup) above solution in 3 gals. water makes 50 P. P. M. $\frac{1}{4}$ pint ($\frac{1}{2}$ teacup) above solution in 3 gals. water makes 100 P. P. M. $\frac{1}{2}$ pint (1 teacup) above solution in 3 gals. water makes 200 P. P. M. $1\frac{1}{4}$ pint (3 teacup) above solution in 3 gals. water makes 500 P. P. M., "As a sterilizer, flush the bottles or equipment," "Before milking, it is well to wipe the cow's udder with clean cloth, and fresh Baum's Cleanser 200 P. P. M. solution before milking each cow. Use fresh pail of solution after each 8 cows. Wring cloth out well and dry udders," "As Bactericide for general farm and household use, refrigerators, bread boxes, garbage cans, etc., first rinse parts to be cleaned with clean, hot water, rub clean and then apply a solution of 1 heaping teaspoonful ($\frac{1}{2}$ oz.) Baum's Cleaner to each 1 quart of water. Rinse well with warm water and dry," "To help sterilize utensils in breweries, carbonated beverage plants, syrup jars, beer glasses, bottles, coils, pipes, use $1\frac{1}{2}$ oz. ($4\frac{1}{2}$ heaping teaspoonfuls) to 3 gallons of water. Rinse well with clean hot water before using chlorine. Better germ killing is obtained by immersing for 10 minutes or longer. Clean beer pipes twice a week. 90-hour intervals. Use pressure machine or hand pump suction or force cleaner. Let stand in pipes 10 minutes or longer," and "To deodorize and disinfect by spray floors, sinks, and drains, use 3 heaping teaspoonfuls in 1 gallon of water. For sick room utensils, use $1\frac{1}{2}$ heaping teaspoons in 1 gallon of water, let soak 5 minutes," borne on the can labels, were false and misleading and by reason of the said statements the article was labeled and branded so as to deceive and mislead the purchaser since they represented that it would disinfect beer glasses; would kill mold and wild yeast around plant; and would disinfect bathing suits, blankets, dishes, bottles, cutlery, glasses, pipes, cans, pails, vats, bake pans, meat and poultry hooks; that it was an effective disinfectant in the dilution specified; would make solutions containing the parts per million of available chlorine specified in the label when diluted as directed; that it was a sterilizer; that it would be effective as a disinfectant for the outside of udders; and would disinfect drains and be an effective disinfectant for spraying floors and sinks, when used as directed; whereas the article would not disinfect beer glasses and would not kill mold and wild yeast around the plant when used as directed; would not disinfect bathing suits, blankets, dishes, bottles, cutlery, glasses, pipes, cans, pails, vats, bake pans, meat and poultry hooks unless they had been previously cleaned; it was not an effective disinfectant in the dilutions specified; the article would not make solutions containing the parts per million of available chlorine specified in the label when diluted as directed; it was not a sterilizer; would not be effective as a disinfectant for the outside of udders, would not disinfect drains and would not be an effective disinfectant for spraying floors and sinks when used as directed.

On October 28, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

1646. Adulteration and misbranding of Lovinger's Odorless Disinfectant. U. S. v. Lee Lovinger, trading as Lovinger Disinfectant Co. Plea of guilty. Fine, \$27. (I. & F. No. 2052. Sample No. 11534-D.)

This product contained a smaller proportion of available chlorine than that declared, and its label failed to bear a statement of the percentage of inert ingredients present and bore false and misleading representations regarding its disinfecting and sterilizing properties.

On May 28, 1938, the United States attorney for the District of Utah, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Lee Lovinger, trading as Lovinger Disinfectant Co., Salt Lake

City, Utah, alleging shipment by said company on or about January 24, 1938, from the State of Utah into the State of Wyoming of a quantity of Lovinger's Odorless Disinfectant, which was an adulterated and misbranded fungicide within the meaning of the Insecticide Act of 1910.

The article was alleged to be adulterated in that the statement "Contains 1.3% Available Chlorine," borne on the jug label, represented that its standard and quality were such that it contained available chlorine in a proportion of not less than 1.3 percent; whereas its strength and purity fell below the professed standard and quality under which it was sold in that it contained available chlorine in a proportion of less than 1.3 percent.

The article was alleged to be misbranded in that the statements, "Contains 1.3% Available Chlorine" and "Disinfecting and Sterilizing Drinking and Eating Receptacles—Use one part Odorless Disinfectant to 100 parts water. This will pass state requirements," "A powerful and effective Germicide—Disinfectant—* * * Drains, Sinks and Tubs: Mix Odorless Disinfectant with thirty parts of water, wash out and pour into pipes * * * Refrigerators, Spray or wash the refrigerator or ice box frequently, using one part of Odorless Disinfectant to 30 parts of water. * * * Bed pans, other Sick Room Receptacles: Dilute Odorless Disinfectant 30 times with water and wash or rinse thoroughly. For Drains: Rinse milk cans and other receptacles used with Odorless Disinfectant diluted 30 or 40 times with water. Will leave them sweet, sanitary and wholesome," "Sterilizing Surgeon's Instruments: Completely immerse in Odorless Disinfectant diluted 30 times in water, preparing both in glass, enamel or granite receptacle," borne on the jug label, were false and misleading and by reason of the said statements the article was labeled so as to deceive and mislead the purchaser in that said statements represented that the article contained available chlorine in a proportion of not less than 1.3 percent; that it would sterilize drinking and eating receptacles and would disinfect them when used as directed, and that when used as directed, it would disinfect drains, sinks, tubs, pipes, refrigerators, ice boxes, bedpans and sickroom receptacles and would sterilize surgeon's instruments; whereas the article contained available chlorine in a proportion of less than 1.3 percent, and when used as directed, would not be effective to sterilize and disinfect the said objects.

The article was alleged to be misbranded further in that it consisted partially of inert substances, other than Chloramine-T, which substances do not prevent, destroy, repel, or mitigate fungi (bacteria) and the name and percentage amount of each inert substance or ingredient so present in the said article were not stated plainly and correctly on the label affixed to the jug containing it; nor in lieu thereof, were the name and percentage amount of each and every substance or ingredient of the article having fungicidal (bactericidal) properties, and the total percentage of the inert substances or ingredients so present therein, stated plainly and correctly on the jug label.

On October 12, 1938, a plea of guilty was entered by the defendant and the court imposed a fine of \$27.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

1647. Misbranding of Zoro Moth Balls, Zoro Naphthalene Cakes, Zorex Crystals, Zoro Para Cakes, and Zorex Moth Killer. U. S. v. 9 Dozen Packages of Zoro Moth Balls, et al. Default decree of condemnation and destruction. (I. & F. No. 2057. Sample Nos. 21629-D, 21630-D, 21632-D, 21633-D, 21635-D.)

The net weight of Zoro Moth Balls, Zorex Crystals, and Zoro Para Cakes at the time of examination was found to be less than the amount declared on the labeling. The Zoro Naphthalene Cakes and Zorex Moth Killer bore false and misleading representations on the labeling regarding their effectiveness in the control of moths.

On June 6, 1938, the United States attorney for the Northern District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of a total of 35 dozen packages of the above-named products at Mishawaka, Ind.; alleging that the articles had been shipped in interstate commerce on or about February 7 and March 18, 1938, by the Zoro Co. from Chicago, Ill.; and charging misbranding in violation of the Insecticide Act of 1910.

The Zoro Moth Balls, Zorex Crystals, and Zoro Para Cakes were alleged to be misbranded in that the statements, "Net Weight 12 Ounces," "Contents 8 Ounces Net When Packed," and "Net Wt. 3½ Oz.," borne on the labels, respectively, were false and misleading, and by reason of said statements, the articles

were labeled and branded so as to deceive and mislead the purchaser, since the packages contained less than the amounts declared.

The remaining products were alleged to be misbranded in that the statements, (Zoro Naphthalene Cakes) "Rose Kills Moths & Moth Larvae A Hole In Each Cake For Hanging Directions Place with woolens, garments, and furs in trunks, chests, clothes bags or boxes. Use 1 cake to 5 cubic feet of space in air-tight containers," and (Zorex Moth Killer) "Zorex 'Just Hang it up!' Delightfully Perfumed Moth Killer Deodorant For Moth Prevention For Woolens, Garments, Furs, in air-tight trunks, chests, drawers, clothes bags or boxes, use one Zorex to 20 cubic feet of combined space," borne on the package labels, were false and misleading, and by reason of the said statements, the articles were labeled and branded so as to deceive and mislead the purchaser in that the statements represented that the articles would be effective against moths under all conditions; whereas they would not be effective against moths under all conditions.

On August 30, 1938, no claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

1648. Misbranding of Kovam. U. S. v. Three 5-Gallon Drums, et al., of Kovam. Default decree of condemnation and destruction. (I. & F. No. 2054. Sample Nos. 771-D, 772-D.)

This product contained inert ingredients, and its label failed to bear a statement declaring the percentage of such inert ingredients and also bore false and misleading representations regarding its phenol coefficient and its alleged fungicidal and disinfectant properties.

On May 31, 1938, the United States attorney for the Southern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of eight various-sized drums of Kovam at Miami, Fla.; alleging that the article had been shipped in interstate commerce on or about January 15, 1938, by the Kovam Co. from New York, N. Y.; and charging misbranding in violation of the Insecticide Act of 1910.

The article was alleged to be misbranded in that the statements (all drums) "Inert Material 84%." (portion of drums) "Kovam has a Phenol co-efficient of 6. E. Typhi and 1.7 Staph A." (remainder of drums) "Kovam has a phenol co-efficient of 6 (E-Typhi) and 1.7 to 2 Staph. Aureus F. D. A. Method," were false and misleading, and by reason of said statements, the article was labeled so as to deceive and mislead the purchaser since they represented that it contained inert material in a proportion of not more than 84 percent; that it had a phenol coefficient of not less than 6 (*Eberthella typhi*) and 1.7 (*Staphylococcus aureus*); whereas it contained inert material in a proportion of more than 84 percent and had an *E. typhi* phenol coefficient of less than 6 and a *Staph. aureus* phenol coefficient of less than 1.7.

Misbranding was alleged further in that the statements, "Kovam A Scientifically Prepared Germicide For Absolute Antisepsis * * * Kovam, the incomparable Germicide," borne on certain drums, and "Disinfectant * * * Directions: Mix 4 fluid ozs. of Kovam to each gallon of water for use in Hospitals, Sanitariums, Hotels, Municipal Buildings, Court Houses, Penal Institutions, Office Buildings, Factories, Government Buildings, Schools, Colleges, Halls, and Club Rooms, Railroad Stations and all other business, private or public institutions," borne on the remainder of the drums, were false and misleading and by reason of the said statements the article was labeled so as to deceive and mislead the purchaser in that they represented in the case of the former that the article would be effective for absolute antisepsis and was an incomparable germicide, and in the case of the latter, that the article when used as directed, would be effective as a disinfectant; whereas the former would not be effective for absolute antisepsis and was not an incomparable germicide and the latter would not be effective as a disinfectant when used as directed.

The article was alleged to be misbranded further in that it consisted partially of inert substances, water and glycerin, which substances do not prevent, destroy, repel, or mitigate fungi (bacteria) and the name and percentage amount of each inert ingredient or substance so present in the article were not stated plainly and correctly on the drum label; nor in lieu thereof were the name and percentage amount of each and every substance or ingredient of the article having insecticidal or fungicidal (bactericidal) properties so present therein stated plainly and correctly on the label.

On August 15, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

1649. Adulteration and misbranding of Dry-Dip Insecticide. U. S. v. Eleven 25-Pound Pails of Dry-Dip Insecticide. Default decree of condemnation and destruction. (I. & F. No. 2063. Sample No. 19567-D.)

This product contained smaller proportions of naphthalene and sulfur and a larger proportion of total inert ingredients than declared on the label.

On August 15, 1938, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of eleven 25-pound pails of Dry-Dip Insecticide at Bricelyn, Minn., alleging that the article had been shipped in interstate commerce on or about March 1, 1938, by Miller Chemical Co. from Omaha, Nebr.; and charging adulteration and misbranding in violation of the Insecticide Act of 1910.

The article was alleged to be adulterated in that the statements, "Active Ingredients Naphthalene 30.00 Sodium Fluoride .25 Creosote Oil 1.50 Nicotine .01 Sulphur 10.00 Inert Ingredients Calcium, Po. Tobacco 58.24," borne on the label affixed to the pails, represented that its standard and quality were such that it contained naphthalene in a proportion of not less than 30 percent, sulfur in a proportion of not less than 10 percent, and inert ingredients in a proportion of not more than 58.24 percent; whereas its strength and purity fell below the professed standard and quality under which it was sold in that it contained less than 30 percent of naphthalene, less than 10 percent of sulfur, and inert ingredients in excess of 58.24 percent.

The article was alleged to be misbranded in that the above-quoted statements borne on the label were false and misleading, and by reason of said statements, it was labeled and branded so as to deceive and mislead the purchaser.

On October 25, 1938, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

1650. Misbranding of Trojan Vapor Wax. U. S. v. Ten 1-Gallon Cans, et al., of Trojan Vapor Wax. Default decree of condemnation and destruction. (I. & F. No. 2056. Sample Nos. 8715-D, 8716-D.)

The labeling of this product bore false and misleading representations regarding its so-called germicidal and antiseptic properties.

On June 6, 1938, the United States attorney for the Northern District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 10 gallon cans and 23 half-gallon cans of Trojan Vapor Wax at South Bend, Ind.; alleging that the article had been shipped in interstate commerce on or about January 26, 1938, by Trojan Products & Manufacturing Co. from Chicago, Ill.; and charging misbranding in violation of the Insecticide Act of 1910.

The article was alleged to be misbranded in that the statements, "The Germicidal Dustless Sweepless Method * * * Its fragrance renders the room antiseptic and healthful. * * * and its fragrances make the air healthful to breathe," were false and misleading, and by reason of said statements, it was labeled and branded so as to deceive and mislead the purchaser since they represented that it was germicidal, would render rooms antiseptic and healthful, and would make the air healthful to breathe; whereas it was not germicidal, would not render rooms antiseptic and healthful, and would not make the air healthful to breathe.

On August 30, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

1651. Misbranding of Fly and Insect Spray. U. S. v. Rand's, Inc. Plea of guilty. Fine, \$25 and costs. (I. & F. No. 2060. Sample No. 16683-D.)

The labeling of this product bore false and misleading representations regarding its alleged insecticidal properties. Moreover, it was not harmless to the skin of man or animal and was not nonpoisonous, as represented.

On September 13, 1938, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Rand's, Inc., alleging shipment by said corporation on or about February 22, 1938, from the State of Pennsylvania

into the State of West Virginia of a quantity of Fly and Insect Spray, which was a misbranded insecticide within the meaning of the Insecticide Act of 1910.

The article was alleged to be misbranded in that the statements, "Bang! They're Gone Fly and Insect Spray 100 Per Cent Active Ingredients Kills Flies * * * To Kill Flies * * * Close the doors and windows of the room and charge the air with Spray, leaving the room closed for 15 or 20 minutes, after which the dead insects can be swept up. Be sure to apply the Spray to every part of the room. Spraying into the draft of an electric fan is an excellent method," "To Kill Bedbugs Apply the Spray freely in the cracks and corners of the bed as well as in the seamed edge of the mattress and the little cotton knots that hold it together," "To Kill Fleas The Spray is very effective against animal fleas. In applying it to dogs and cats, spray lightly into the hair. Do not rub it in," "The Spray is harmless to the skin of man or animal, * * * It contains nothing of a poisonous nature," borne on the bottle label, were false and misleading and by reason of said statements the article was labeled and branded so as to deceive and mislead the purchaser in that they represented that when used as directed, it would be effective against flies, all bedbugs and fleas and that it was not poisonous and was harmless to the skin of man or animal; whereas when used as directed, it would not be effective against flies, it would not be effective against all bedbugs and against fleas unless it was applied repeatedly, it was not nonpoisonous, and it might be harmful to the skin of man or animal.

On December 5, 1938, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$25 and costs.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

1652. Misbranding of Koton-Tox and dry mixture or filler. U. S. v. Jack O'Leary and J. Emmett Thompson (O'Leary Chemical Co.). Pleas of guilty. Fines, \$100. (I. & F. No. 1934. Sample Nos. 69027-B, 69028-B.)

The labeling of these products bore false and misleading representations regarding their effectiveness in the control of insects. The Koton-Tox contained arsenic and arsenic in water-soluble form. These were not declared, nor were the inert ingredients present declared.

At the January 1938 term of the United States District Court for the Eastern District of Oklahoma, the United States attorney, acting upon a report by the Secretary of Agriculture, filed an information against Jack O'Leary and J. Emmett Thompson, officers of the O'Leary Chemical Co. at the time of the shipment hereinafter mentioned, an Oklahoma corporation trading at Chickasha, Okla., alleging shipment by said defendant on or about April 4, 1936, from the State of Oklahoma into the State of Mississippi of a quantity of Koton-Tox and dry mixture or filler, which were misbranded insecticides other than paris green and lead arsenate within the meaning of the Insecticide Act of 1910.

It was alleged in the first count of the information that the dry mixture or filler was misbranded in that the statements, "This bag contains 80 pounds of dry mixture or filler, to be used with Koton-Tox for the control of boll weevil and other insect damage," borne on the label, were false and misleading and by reason thereof the article was labeled and branded so as to deceive and mislead the purchaser in that they represented that the article when used as intended with Koton-Tox, would make a preparation that would control the cotton boll weevil and all other insect damage; whereas it would not make a preparation that would control the cotton boll weevil and all other insect damage when used with Koton-Tox.

The second count alleged misbranding of the Koton-Tox in that its labeling bore statements which were false and misleading and by reason thereof it was labeled so as to deceive and mislead the purchaser since they represented that the article when used as directed, would act as an effective insecticide against the cotton boll weevil and against all other insects affecting cotton, and would be effective in preventing reproduction of the boll weevil and in controlling insect infestation; whereas the article when used as directed, would not be effective for said purposes.

Counts 3 and 4 alleged that the Koton-Tox was misbranded further in that it contained arsenic and arsenic in water-soluble form and the total percentage of arsenic and arsenic in water-soluble form was not stated on the label; and in that it consisted completely of inert substances or ingredients when used as directed, and the name and percentage amount of each inert substance or ingredient so present therein were not stated plainly and correctly on the label affixed to the packages containing the said article.

On November 14, 1938, the defendants entered pleas of guilty and the court imposed a fine of \$50 against each defendant on count 1. The remaining counts were dismissed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

1653. Adulteration and misbranding of Recos Rechlor, Ress Chlor, and Pur-A-Chlor. U. S. v. 119 Cans of Recos Rechlor (and 2 similar seizure actions). Default decrees of condemnation and destruction. (I. & F. Nos. 2081, 2082, 2085. Sample Nos. 31286-D, 31940-D, 42923-D.)

These products contained smaller amounts of available chlorine and calcium hypochlorite than declared on the label, and a larger amount of inert ingredients than declared. The labeling bore false and misleading representations regarding their disinfectant and germicidal properties.

On October 5, 21, and 31, 1938, the United States attorney for the Western District of Pennsylvania, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 119 cans of Recos Rechlor, 8 cases of Ress Chlor, and 143 cans of Pur-A-Chlor at Pittsburgh, Pa.; alleging that the articles had been shipped in interstate commerce within the period from on or about May 18 to on or about August 1, 1938, by the J. A. Tumbler Laboratories from Baltimore, Md.; and charging adulteration and misbranding in violation of the Insecticide Act of 1910.

The articles were alleged to be adulterated in that their strength and purity fell below the professed standard or quality under which they were sold, namely: (Recos Rechlor and Pur-A-Chlor) "Active Ingredients * * * Calcium Hypochlorite 18%. Inert Ingredients 36% * * * Available Chlorine 6%"; (Ress Chlor) "Active Ingredients * * * Calcium Hypochlorite, 18%. Inert Ingredients 36% * * * Available Chlorine 6% * * * For Disinfecting * * * 100 p. p. m. of Available chlorine."

Misbranding was alleged in that the statements, "Active Ingredients Alkaline Sodium Phosphate 46% Calcium Hypochlorite 18% Inert Ingredients 36% * * * Available Chlorine 6%," borne on the labels of all the articles, were false and misleading and by reason thereof, the articles were labeled so as to deceive and mislead the purchaser, since they contained less than 18 percent of calcium hypochlorite, less than 6 percent of available chlorine, and more than 36 percent of inert ingredients.

Misbranding was alleged further in that the following statements on the can label, "Process 1:—For disinfecting glassware, dishes, silverware, etc., in a final rinse. By this process we recommend this product as a germicidal rinse. First dissolve $\frac{1}{2}$ ounce of this powder to each gallon of water used. Always use a clean receptacle. This solution will provide available chlorine in a strength of 200 parts per million (200 p. p. m.). Wash utensils in a proper manner then immerse them in the solution above for a minimum of two minutes * * * Process 2:—This process may be used for combination washing and disinfecting of Bar China and Glassware and is not recommended for glassware or china that does not rinse easily. First: Rinse glass or chinaware under running water (preferably hot) so that as much of the organic matter as is possible is removed. Second: Then wash articles in a solution made up of $\frac{1}{2}$ ounce this powder dissolved in 1 gallon of water (see process 1. This mixture produces a solution of 200 p. p. m. available chlorine.) Third: Rinse articles again under running water and place on drainboard in an inverted position to dry. This last rinsing in clear running water removes odor of chlorine. You do not have to polish the glassware if process 2 is used as by this method glasses are left clear and sparkling. Some localities have health inspection. Consult your inspector or local health department; if they recommend only 100 p. p. m. of available chlorine for disinfecting, only $\frac{1}{4}$ ounce of this material need be used per gallon of water. Different localities have different regulations as to the amount of available chlorine they require in the disinfecting solution and as to the length of time they require that articles should be immersed; consult your local health department for these regulations," were false and misleading and by reason thereof the articles were labeled so as to deceive and mislead the purchaser in that they represented that the articles were effective disinfectants in the dilutions specified, and that the solutions prepared as directed contained 200 parts per million or 100 parts per million of available chlorine; whereas the articles were not effective disinfectants in the dilutions specified, and the solutions when prepared as directed did not contain 200 parts per million or 100 parts per million of available chlorine.

On December 12, 1938, no claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

1654. Misbranding of Ritz Beer Coil Cleaning Compound. U. S. v. 144 Cans of Ritz Coil Cleaning Compound. Default decree of condemnation and destruction. (I. & F. No. 2088. Sample No. 41958-D.)

This product contained inert ingredients and its label failed to bear the name and percentage amount of such inert ingredients.

On November 12, 1938, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 144 cans of Ritz Beer Coil Cleaning Compound at Allentown, Pa.; alleging that the article had been shipped on or about March 26, 1938, by the Ritz Chemical Co. of New Jersey from Newark, N. J.; and charging misbranding in violation of the Insecticide Act of 1910.

The article was alleged to be misbranded in that it consisted partially of inert substances, namely, substances other than sodium hydroxide, which do not prevent, destroy, repel, or mitigate fungi (bacteria), and the name and percentage amount of each inert substance or ingredient present in the article were not stated plainly and correctly on the can label; nor in lieu thereof were the name and percentage amount of each substance or ingredient of the article having fungicidal (bactericidal) properties and the total percentage of the inert substances present therein stated plainly and correctly on the can label.

The libel alleged that the article was also misbranded in violation of the Federal Caustic Poison Act, reported in notice of judgment No. 87, published under that act.

On January 3, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

1655. Adulteration and misbranding of Kilgerm. U. S. v. Twenty 3-Pound Cans of Kilgerm. Default decree of condemnation and destruction. (I. & F. No. 2073. Sample No. 23097-D.)

This product contained less active chlorine and more inert substances than declared on the label. Its labeling bore false and misleading representations regarding its disinfectant properties.

On or about September 27, 1938, the United States attorney for the District of Montana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of twenty 3-pound cans of Kilgerm at Missoula, Mont.; alleging that the article had been shipped in interstate commerce on or about May 29, 1937, by the Midwestern Soap Co. from Denver, Colo.; and charging adulteration and misbranding in violation of the Insecticide Act of 1910.

The article was alleged to be adulterated in that the statement "Active Ingredient Chlorine 17% Inert Material 83%," borne on the can label, represented that the standard and quality of the article were such that it contained chlorine as the active ingredient in a proportion of not less than 17 percent, and contained inert material in a proportion of not more than 83 percent; whereas its strength and purity fell below the professed standard and quality under which it was sold in that it contained chlorine as the active ingredient in a proportion of less than 17 percent and inert material in a proportion of more than 83 percent.

The article was alleged to be misbranded in that the statement "Active Ingredient Chlorine 17% Inert Material 83%," borne on the can label, was false and misleading and by reason of the said statement it was labeled and branded so as to deceive and mislead the purchaser. It was alleged to be misbranded further in that the statements, "A chlorine disinfectant for use in washing glasses, dishes and silverware * * * Directions For best results use tablespoonful in one gallon of water, either hot or cold, or in rinse water," borne on the labels, were false and misleading and by reason of said statements the article was labeled and branded so as to deceive and mislead purchasers in that they represented that it would be an effective disinfectant when used as a cleansing agent; whereas it was not an effective disinfectant when used as a cleansing agent.

On November 18, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

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Arsenostick:		Garden Hose Insecticide Co--	1644
Garden Hose Insecticide Co--	1644	Nicostick:	
Baum's Chlorinated Cleanser:		Garden Hose Insecticide Co--	1644
Baum's Castorine Co., Inc----	1645	Nourse Gall Remedy:	
Bordostick:		Nourse Oil Co-----	1636
Garden Hose Insecticide Co--	1644	Peerless Disinfectant:	
Cleanrite:		Peerless Chemical Co-----	1643
Superior Chemical Co-----	1639	Perkins, J. W-----	1643
Dry-Dip Insecticide:		Pur-A-Chlor:	
Miller Chemical Co-----	1649	Tumbler, J. A., Laboratories--	1653
Dry mixture (or filler):		Recos Rechlor:	
O'Leary Chemical Co-----	1652	Tumbler, J. A., Laboratories--	1653
O'Leary, Jack-----	1652	Ress Chlor:	
Thompson, J. E-----	1652	Tumbler, J. A., Laboratories--	1653
Fly and Insect Spray:		Ritz Beer Coil Cleaning Compound:	
Rand's, Inc-----	1651	Ritz Chemical Co. of New	
Insex Repellent:		Jersey-----	1654
De Pree Co-----	1638	Speed Disinfectant:	
Kilgerm:		Speed Chemical Co., Inc-----	1640
Midwestern Soap Co-----	1655	Sulfostick:	
Kills All Insect Spray:		Garden Hose Insecticide Co--	1644
Excello Specialty Co-----	1642	Sulpho:	
Folman, Hyman-----	1642	Garden Hose Insecticide Co--	1644
Welfeld, Morris-----	1642	Trojan Vapor Wax:	
Koton-Tox:		Trojan Products & Manufac-	
O'Leary Chemical Co-----	1652	turing Co-----	1650
O'Leary, Jack-----	1652	Zorex Crystals:	
Thompson, J. E-----	1652	Moth Killer:	
Kovam:		Zoro Co-----	1647
Kovam Co-----	1648	Zoro Moth Balls:	
Larkspur lotion:		Naphthalene Cakes:	
Jardel Laboratories Co-----	1641	Para Cakes:	
Ross, J. M-----	1641	Zoro Co-----	1647

